

Notice of Allowability

Application No.

09/938,870

Examiner

Christopher J. Brown

Applicant(s)

RODRIGUEZ ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/21/07.
2. ☒ The allowed claim(s) is/are 1-11 and 13-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


KAMBIZ ZAND
PRIMARY EXAMINER

DETAILED ACTION

Oath/Declaration

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either an application data sheet or supplemental oath or declaration.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

As per claims 1 and 6, Wang US 6,263,086 (Wang 086) teaches embedding an invisible watermark in a halftone screen structure. (Col 1 lines 49-53, Col 2 lines 1-5). Wang does not teach errors when the screen is reproduced.

Adler teaches use of measuring the Strength of a fragile watermark for which any tampering of the image is detected through errors produced in the watermark (Col 2 lines 30-35).

However, neither Wang or Adler teach using an inherently unstable screen structure to detect reproduction errors.

As per claim 6, Adler teaches using the errors of the fragile watermark to detect reproduction, (Col 2 lines 30-35). Adler teaches printing digital files, see Figs 8-11.

Art Unit: 2134

However, neither Wang or Adler teach using an inherently unstable screen structure to detect reproduction errors.

Wang US 6,252,971 (Wang 971) teaches that reproduction of halftone structures produces distortion and non-uniformity, (Col 1 line 57- Col 2 line 10).

However Wang 971 teaches away from the instant application because it is attempting to solve the problem of distortion production and non-uniformity.

Claims 13-15 Rhoads teaches a method of detecting a first watermark from a substrate of the printed object, (Col 2 lines 47-55) Rhoads teaches detecting a second digital watermark from an image scanned from the printed object and using the relationship between the first and second objects to determine authenticity of the printed object, (Col 2 lines 55-65, Col 3 lines 45-65). However Rhoads does not teach varying micro-topology of the printed object, that the first watermark is embedded in an invisible ink, or that the watermark is used to geometrically align image data.

As per claim 17, Wang-Adler-Wang teaches printed watermarks but fails to teach a fiducial. Rhodes teaches use of fiducial marks to find a watermark (Col 57 line 57 – Col 58 line 2).

However Rhodes fails to teach using the fiducial in a comparative way to determine the authenticity of the watermark.

Art Unit: 2134

Claims 2-5, 7-11, and 16 are dependent on the allowed independent claims, and therefore are also in condition for allowance.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher J. Brown

2/27/07



KAMBIZ ZAND
PRIMARY EXAMINER